

SHIPP, A.  
Appl. No. 10/500,952  
Response to Office Action dated May 14, 2008

**REMARKS**

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 15 and 16 have been canceled without prejudice or disclaimer.

Applicant gratefully acknowledges the indication that claims 7-11, 13 and 14 are allowed and that claims 1-6 and 12 contain allowable subject matter.

Claims 1-6 and 12 were rejected under 35 U.S.C. Section 101 as allegedly being directed to non-statutory subject matter. Claim 1 has been amended to recite that the system is implemented on a computer apparatus. This clarifies that claim 1, and hence also claims 2-6 and 12 by virtue of their dependency on claim 1, define hardware and so fall within the statutory category of patentable subject matter under 35 USC 101 of a “machine”.

The detailed description describes on page 3 onwards an embodiment of the invention stated to be “for use in an anti-virus scanning system”. It is expressly stated on page 3, lines 33 to 34 that the system 10 “may be implemented by means of a software automation”. The skilled person reading the description readily recognizes and understands that such operations are performed by a hardware computer apparatus, and the description discloses the effect of the operations during execution thereof, that is the specific processing of data which is performed. Thus the skilled person reading the application is presented with a disclosure of operations performed by a hardware computer apparatus.

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The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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